

I hereby certify that this correspondence is being filed via  
EFS-Web with the United States Patent and Trademark Office  
on May 13, 2007

TOWNSEND and TOWNSEND and CREW LLP

By:   
Anna C. Kundel

PATENT  
Docket No.: 02307E-098010US  
Client Ref. No.: UCLA Case No. 2000-  
A45-2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Charles S. Zuker et al.

Application No.: 09/510,332

Filed: February 22, 2000

For: NUCLEIC ACIDS ENCODING  
T2R TASTE RECEPTORS

Confirmation No.: 2643

Examiner: Landsman, Robert

Art Unit: 1647

APPLICATION FOR PATENT  
TERM ADJUSTMENT UNDER  
37 C.F.R. §1.705(b)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of the *Issue Notification and Determination of Patent Term Adjustment Under 35 U.S.C. 154(b)* mailed June 27, 2007. The Patent Office has determined that the Patent Term Adjustment is **400** days. In accordance with 37 C.F.R. §1.705(b), the Applicants respectfully request reconsideration of the patent term adjustment.

**Statement of Facts - 37 C.F.R. §1.705(b)(2)**

**(i) Correct Patent Term Adjustment and Basis Under 37 C.F.R. §1.702**

The Applicants respectfully submit that the correct patent term adjustment is **922** days. This determination is due, in part, to the Patent Office's erroneous treatment of two **granted** *Petitions Under 37 C.F.R. §1.181(a) to Withdraw Holdings of Abandonment as Petitions to Revive*.

(ii) **Relevant Dates for which an Adjustment is Sought Under 37 C.F.R. §1.703(a) through (e)**

**BEFORE PAYMENT OF ISSUE FEE**

<b>Action</b>	<b>Date of Mailing</b>
Applicants Response to the Office Action dated December 18, 2001	June 18, 2002
Four Months from Response Date	October 18, 2002
Notice of Abandonment mailed for Failure to Respond to Office Action mailed September 11, 2002	April 23, 2003
Petition Under 37 C.F.R. §1.181(a) to Withdraw Holding of Abandonment due to Incorrect Correspondence Address	April 28, 2003
Withdraw of Abandonment GRANTED	July 25, 2003
Office Action of September 11, 2002 Reissued	July 29, 2003
<b>Days in Excess of Four Months</b>	<b>284</b>

<b>Action</b>	<b>Date of Mailing</b>
Applicants Response to the Office Action mailed July 29, 2003	January 22, 2004
Corrected Notice of Allowance Issued	June 9, 2004
<b>Days in Excess of Four Months</b>	<b>48</b>

**AFTER PAYMENT OF ISSUE FEE**

<b>Action</b>	<b>Date of Mailing</b>
Applicant's Submit Corrected Drawings and Issue Fee Payment	September 2, 2004
Notice of Abandonment mailed for Failure to Respond to Request for Corrected Drawings issued June 9, 2004	October 21, 2004
Petition Under 37 C.F.R. §1.181(a) to Withdraw Holding of Abandonment as Response was Timely Filed	November 18, 2004

Withdrawal of Abandonment GRANTED	December 11, 2006
Notice to File Corrected Application Papers	April 27, 2007
<b>Days in Excess of Four Months</b>	<b>845</b>

The additional 845 days of PTO delay occurred after payment of the issue fee. The PTO mistakenly regarded the application as abandoned for failure to respond to the Request for Corrected Drawings issued June 9, 2004. Applicants filed not one, but two petitions to withdraw the holding of abandonment as PTO error. These petitions were granted and the holding of abandonment was withdrawn as a PTO error.

However, in calculating the patent term adjustment after payment of the issue fee, the Office erroneously regarded these two petitions as petitions to revive for unintentional abandonment. These delays, before and after payment of the issue fee, result in an addition of period of adjustment of the patent term of 1177 days, pursuant to 37 C.F.R. §1.702(a)(2). This patent term calculation is further adjusted below.

**(iii) Terminal Disclaimer**

This application is not subject to a terminal disclaimer.

**(iv) Circumstances Regarding Failure to Engage in Reasonable Efforts to Conclude Processing or Examination under 37 C.F.R. §1.704**

A non-final Office Action was mailed by the Patent Office on April 11, 2001. Applicants filed a Continued Prosecution Application (CPA) Request with a Preliminary Amendment on September 27, 2001, 78 days after three months of the mailing of the Office Action.

A non-final Office Action was mailed by the Patent Office on December 18, 2001. Applicants filed a Response to the Office Action on June 18, 2002, 92 days after three months of the mailing of the Office Action.

A non-final Office Action was mailed by the Patent Office on July 29, 2003. Applicants filed a Response to the Office Action on January 22, 2004, 85 days after three months of the mailing of the Office Action.

These delays result in a reduction of period of adjustment of the patent term of 255 days, pursuant to 37 C.F.R. §1.704(b).

CONCLUSION

The Applicants respectfully request reconsideration of the patent term adjustment of 400 days indicated on the Determination of Patent Term Adjustment Under 35 U.S.C. §1.54(b) to 922 days, as discussed above.

The Commissioner is hereby authorized to charge the fee of \$200 for filing an Application for Patent Term Adjustment as set forth in §1.18(e), and any other fees which may be required, or credit any overpayment, to Deposit Account No. 20-1430.

Respectfully submitted,



Chuan Gao  
Reg. No. 54,111

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
ASP/CG:ack